

# **EXHIBIT 4**

Mark Rice-30(B)(6)

February 24, 2010

Page 1

120485 eb

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION

SYNQOR, INC. \*

VS. \* CIVIL ACTION

\* NO. 2:07-CV-497-TJW-CE

ARTESYN TECHNOLOGIES, INC., \*

ASTEC AMERICA, INC., BEL \*

FUSE INC., CHEROKEE \*

INTERNATIONAL CORP., DELTA \*

ELECTRONICS, INC., DELTA \*

PRODUCTS CORP., LINEAGE \*

POWER CORP., MURATA \*

ELECTRONICS NORTH AMERICA, \*

INC., MURATA MANUFACTURING \*

CO., LTD., MURATA POWER \*

SOLUTIONS INC., POWER-ONE, \*

INC. \*

SECOND 30(b)(6) DEPOSITION OF MARK RICE  
VOLUME 1  
UPON RECEIPT OF SIGNATURE, THE ORIGINAL OF THIS  
DEPOSITION WILL BE IN THE CUSTODY OF:

Michael D. Hatcher, Esquire  
Sidley Austin LLP  
717 North Harwood, Suite 3400  
Dallas, Texas 75201

Date Edith A. Boggs, CSR

2-24-10 HOUSTON, TEXAS

Mark Rice-30(B)(6)

February 24, 2010

Page 2	Page 4
<p>1</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8 DEPOSITION OF MARK RICE</p> <p>9</p> <p>10</p> <p>11 DEPOSITION AND ANSWERS of MARK RICE, taken before</p> <p>12 Edith A. Boggs, a certified shorthand reporter in Harris</p> <p>13 County for the State of Texas, taken at the law offices</p> <p>14 of Locke Lord Bissell &amp; Liddell LLP, 600 Travis Street,</p> <p>15 Suite 3400, Houston, Texas, on the 24th day of February,</p> <p>16 2010, between the hours of 9:05 a.m. and 5:36 p.m.</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 EXAMINATION INDEX</p> <p>2</p> <p>3</p> <p>4 QUESTIONS BY PAGE</p> <p>5 Mr. Hatcher 6</p> <p>6</p> <p>7</p> <p>8 INDEX OF EXHIBITS</p> <p>9</p> <p>10 NO. MARKED DESCRIPTION</p> <p>11 AA51 7 SynQor's Amended Second Notice of</p> <p>Deposition of Astec Pursuant to Fed.R.Civ.P. 30(b)(6)</p> <p>12</p> <p>13 AA52 8 SynQor's Second Notice of Deposition of</p> <p>Artesyn Pursuant to Fed.R.Civ.P. 30(b)(6)</p> <p>14 AA53 8 Quarter-Brick IBC Series</p> <p>15 AA54 9 Eighth-Brick IBC Series</p> <p>16 AA55 10 Typhoon Family 2nd Generation</p> <p>Quarter-Brick Intermediate Bus Converter Training Module</p> <p>17</p> <p>18 AA56 10 Astec/Artesyn Intermediate Bus</p> <p>Converters</p> <p>19 AA57 10 Astec On-Board DPA Products</p> <p>20 AA58 10 DC-DC Product Update</p> <p>21 AA59 23 Astec America Inc.'s Fourth Supplemental</p> <p>Responses to SynQor, Inc.'s First Set of Interrogatories</p> <p>22 to Defendants, Appendix ROG-9.1</p> <p>23 AA60 40 IBC Product Line Strategy</p> <p>24 AA61 60 Engineering, Custom product and DC-DC</p> <p>Update</p> <p>25</p>
Page 3	Page 5
<p>1 APPEARANCES</p> <p>2</p> <p>3</p> <p>4 ATTORNEY FOR PLAINTIFF:</p> <p>5 Sidley Austin LLP</p> <p>717 North Harwood, Suite 3400</p> <p>6 Dallas, Texas 75201</p> <p>By: Michael D. Hatcher, Esquire</p> <p>8</p> <p>9 ATTORNEYS FOR DEFENDANTS, ARTESYN TECHNOLOGIES, INC</p> <p>AND ASTEC AMERICA, INC.:</p> <p>10</p> <p>11 Locke Lord Bissell &amp; Liddell LLP</p> <p>600 Travis Street, Suite 3400</p> <p>12 Houston, Texas 77002</p> <p>By: Jeffrey A. Andrews, Esquire</p> <p>13 and Robert J. McAughan, Jr., Esquire</p> <p>14</p> <p>15</p> <p>16 ALSO PRESENT:</p> <p>17 Richard Sung, Esquire</p> <p>Mr. Michael Falwell, Videographer</p> <p>18</p> <p>19</p> <p>20 REPORTED BY:</p> <p>21 Edith A. Boggs, CSR</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1</p> <p>2 AA62 99 Solutions for Black Pearl</p> <p>3</p> <p>4 AA63 125 E-mail dated 5-13-05 from Nick</p> <p>Leatherdale</p> <p>5 AA64 126 E-mail dated 6-26-05 from Jackie Day</p> <p>6 AA65 128 E-mail dated 3-7-05 from Jackie Day</p> <p>AA66 147 E-mail dated 10-31-02 from Keith</p> <p>Loehrlein</p> <p>7</p> <p>8 AA67 151 E-mail dated 8-19-07 from Jim Quinlan</p> <p>9</p> <p>10 AA68 154 DSBUE Next Generation Wiring Closet DC-DC</p> <p>Power Request for Information</p> <p>11 AA69 160 Sales of bus converters shipped into or</p> <p>out of the United States beginning July 4, 2006</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

Mark Rice-30(B)(6)

February 24, 2010

<p style="text-align: right;">Page 6</p> <p>1 PROCEEDINGS</p> <p>2 THE VIDEOGRAPHER: Today is Wednesday,</p> <p>3 February 24th, 2010.</p> <p>4 This is the 30(b)(6) deposition of --</p> <p>5 deposition of Artesyn Technologies/Astec America. Mark</p> <p>6 Rice is the designated witness. This begins tape one,</p> <p>7 and we are now on the record.</p> <p>8 MR. HATCHER: Could you please --</p> <p>9 MARK RICE</p> <p>10 was called as a witness and, being first duly sworn by</p> <p>11 the notary, testified as follows:</p> <p>12 EXAMINATION</p> <p>13 Q. (BY MR. HATCHER) An important preliminary point.</p> <p>14 Could you please state your name.</p> <p>15 A. Mark Rice.</p> <p>16 Q. And where do you work?</p> <p>17 A. I work at Emerson Network Power.</p> <p>18 Q. Have you been deposed before?</p> <p>19 A. Yes, I have.</p> <p>20 Q. Was it just the once that I deposed you</p> <p>21 previously or was there another time?</p> <p>22 A. I had one a long -- several -- probably five or</p> <p>23 six years prior, a personal deposition.</p> <p>24 Q. Did that have anything to do with a patent</p> <p>25 infringement case?</p>	<p style="text-align: right;">Page 8</p> <p>1 MR. HATCHER: And I'd like to mark as</p> <p>2 Exhibit AA 52 SynQor's second notice of -- of deposition</p> <p>3 of Artesyn.</p> <p>4 (Exhibit AA 52 marked.)</p> <p>5 Q. (BY MR. HATCHER) Have you seen Exhibits AA 51</p> <p>6 and 52 before?</p> <p>7 A. Yes, I have.</p> <p>8 Q. Are you aware that you've been identified as a</p> <p>9 corporate representative to testify on behalf of both</p> <p>10 Artesyn and Astec today?</p> <p>11 A. Yes.</p> <p>12 Q. Are you aware you're supposed to provide the</p> <p>13 information your company has on these topics and not</p> <p>14 just your personal knowledge?</p> <p>15 A. Yes.</p> <p>16 Q. Do you believe you are prepared to do so today?</p> <p>17 A. Yes, I am.</p> <p>18 Q. And that's for all topics in both notices; is</p> <p>19 that correct?</p> <p>20 A. That's correct.</p> <p>21 MR. HATCHER: I'd like to mark as Exhibit AA</p> <p>22 53 a document entitled Quarter-Brick IBC Series</p> <p>23 Application Note 190.</p> <p>24 (Exhibit AA 53 marked.)</p> <p>25 Q. (BY MR. HATCHER) What I'm going to do is I'm</p>
<p style="text-align: right;">Page 7</p> <p>1 A. No.</p> <p>2 Q. Okay. What was it, at a high level, just --</p> <p>3 A. It was a -- I believe it was a distribution</p> <p>4 termination agreement.</p> <p>5 Q. Do you understand that I'm going to ask you a</p> <p>6 series of questions and you're under oath to answer to</p> <p>7 the best of your ability?</p> <p>8 A. Yes.</p> <p>9 Q. Do you understand that your lawyer may object to</p> <p>10 a question but you still must answer unless he instructs</p> <p>11 you not to?</p> <p>12 A. Correct.</p> <p>13 Q. If for any reason you do not understand a</p> <p>14 question of mine, you can ask me to clarify. Okay?</p> <p>15 A. Yes.</p> <p>16 Q. Otherwise, I will assume you understood the</p> <p>17 question. Okay?</p> <p>18 A. Okay.</p> <p>19 Q. Is there any reason you cannot provide truthful</p> <p>20 and accurate testimony today?</p> <p>21 A. No.</p> <p>22 MR. HATCHER: I'd like to mark as Exhibit AA</p> <p>23 51 SynQor's amended second notice of deposition of</p> <p>24 Astec.</p> <p>25 (Exhibit AA 51 marked.)</p>	<p style="text-align: right;">Page 9</p> <p>1 going to mark three or four documents now, and while I'm</p> <p>2 doing that, if you can just flip through them quickly</p> <p>3 just so you know what they are. If I have specific</p> <p>4 questions about specific things, I'll point them to you.</p> <p>5 MR. HATCHER: I'm going to mark as Exhibit</p> <p>6 AA 54 a document entitled Eighth-Brick IBC Series</p> <p>7 Application Note 182.</p> <p>8 (Exhibit AA 54 marked.)</p> <p>9 MR. ANDREWS: Mike, I'd like to -- I just</p> <p>10 want to note that these don't have production numbers on</p> <p>11 them. Did you pull these off the Internet recently?</p> <p>12 MR. HATCHER: Yes, your web site.</p> <p>13 MR. ANDREWS: Okay.</p> <p>14 MR. HATCHER: Your client's web site.</p> <p>15 Excuse me.</p> <p>16 MR. ANDREWS: Are they the current versions</p> <p>17 that you pulled off say in the past couple of months</p> <p>18 or --</p> <p>19 MR. HATCHER: Yes.</p> <p>20 MR. ANDREWS: Okay.</p> <p>21 MR. HATCHER: I believe so. I didn't</p> <p>22 personally do it but yes, I believe so.</p> <p>23 MR. ANDREWS: That's fine.</p> <p>24 MR. HATCHER: I'd like to mark as Exhibit AA</p> <p>25 55 a document that's been Bates labeled ARTN 879697</p>

Mark Rice-30(B)(6)

February 24, 2010

<p style="text-align: right;">Page 38</p> <p>1 that meant?</p> <p>2 A. Well, it's -- all I can say is what is actually</p> <p>3 written in here. How it's used or what they built on</p> <p>4 their board is their design. So, we would -- all we</p> <p>5 know is that they're using a Volterra semi-conductor</p> <p>6 based discrete dc-dc converter but whether it's isolated</p> <p>7 or nonisolated, that's really their design. We wouldn't</p> <p>8 have any knowledge or control over that.</p> <p>9 Q. Artesyn and Astec do not know one way or the</p> <p>10 other whether it's nonisolated?</p> <p>11 A. We don't know if it's nonisolated or isolated,</p> <p>12 correct.</p> <p>13 Q. Turning to Page 17, Artesyn and Astec know that</p> <p>14 Sun uses Artesyn and Astec's variable duty cycle bus</p> <p>15 converters that it buys from Artesyn and Astec to power</p> <p>16 two or more nonisolated switching regulators; is that</p> <p>17 correct?</p> <p>18 MR. ANDREWS: Objection to form.</p> <p>19 A. We know that Sun has purchased our bus</p> <p>20 converters.</p> <p>21 Q. (BY MR. HATCHER) And uses them to feed multiple</p> <p>22 dc-dc converters, correct?</p> <p>23 A. What we know and what's believed is that it's</p> <p>24 used in an Intel based blade server project that is</p> <p>25 referred to as Scorpio, and the Scorpio blade server had</p>	<p style="text-align: right;">Page 40</p> <p>1 Artesyn and Astec do know that Sun at least</p> <p>2 offers its end products incorporating Artesyn and</p> <p>3 Astec's variable duty cycle bus converters for sale in</p> <p>4 the U.S., correct?</p> <p>5 MR. ANDREWS: Objection to form.</p> <p>6 A. Sun offers their products globally, and the U.S.</p> <p>7 is included.</p> <p>8 MR. HATCHER: I'd like to mark as Exhibit AA</p> <p>9 60 a document Bates labeled ARTN 1708572 through 613.</p> <p>10 (Exhibit AA 60 marked.)</p> <p>11 Q. (BY MR. HATCHER) If you could, please take a</p> <p>12 moment to familiarize yourself with Exhibit AA 60. I've</p> <p>13 got a fair number of questions about it. I guess to</p> <p>14 preview, I mean, what I'm going to be interested in is</p> <p>15 that this appears to me to lay out -- to indicate that</p> <p>16 Artesyn and Astec have knowledge of various customers'</p> <p>17 use of their intermediate bus converters, their -- their</p> <p>18 unregulated and variable duty cycle bus converters and</p> <p>19 that generally they're all used to power multiple</p> <p>20 nonisolated switching regulators, and it lists accounts</p> <p>21 and has end applications -- or end product information,</p> <p>22 including diagrams of some of the products. So, take</p> <p>23 your time --</p> <p>24 A. Okay.</p> <p>25 Q. -- and then I'll ask you about it.</p>
<p style="text-align: right;">Page 39</p> <p>1 a short production run. It's now into life in the LB 40</p> <p>2 and the Scorpio is believed to feed dc-dc converters.</p> <p>3 Q. Are those nonisolated regulating dc-dc</p> <p>4 converters?</p> <p>5 A. We don't know if it's isolated or nonisolated.</p> <p>6 It's just a dc-dc converter.</p> <p>7 Q. Who was it at -- at Artesyn or Astec that had</p> <p>8 this amount of knowledge about the Sun end product?</p> <p>9 A. In this report, it's stated as Laura Ferrante and</p> <p>10 Randy Schoephoerster.</p> <p>11 Q. Did -- did you ask them whether or not they knew</p> <p>12 if they were nonisolated regulating converters?</p> <p>13 A. I spoke -- I spoke to Laura Ferrante, and she</p> <p>14 said that these were -- what she believed they were used</p> <p>15 for was powering disk drives, as well as dc-dc</p> <p>16 converters.</p> <p>17 Q. Did she know what type of dc-dc converters,</p> <p>18 whether they were nonisolated?</p> <p>19 A. I don't recall whether they were listed as</p> <p>20 isolated or nonisolated.</p> <p>21 Q. That's something I would like to check, if</p> <p>22 possible, at a break. I'll make a note to myself, too,</p> <p>23 whether Artesyn and Astec's belief or best information</p> <p>24 is that they are nonisolated switching regulators</p> <p>25 when -- when it refers to feed dc-dc converters.</p>	<p style="text-align: right;">Page 41</p> <p>1 A. Okay.</p> <p>2 Q. Okay. What is Exhibit AA 60?</p> <p>3 A. It -- it appears to be an internal document, a</p> <p>4 marketing document.</p> <p>5 Q. Does it basically present Artesyn and Astec's</p> <p>6 strategy for sales and marketing for its unregulated and</p> <p>7 variable duty cycle bus converters?</p> <p>8 MR. ANDREWS: Objection to form.</p> <p>9 A. I'm not sure if Jon is with the company but --</p> <p>10 and I'm also not sure clearly what his intention was but</p> <p>11 it appears to go through what some of the strategies are</p> <p>12 with the IBC.</p> <p>13 Q. (BY MR. HATCHER) I'm sorry, did you say you do</p> <p>14 or don't know who Jon Firth is?</p> <p>15 A. I think he was somebody in the Artesyn marketing.</p> <p>16 Q. Do you know whether he's still with the company?</p> <p>17 A. I don't think -- he's no longer with the company.</p> <p>18 THE COURT REPORTER: I'm sorry, can I get</p> <p>19 you to --</p> <p>20 A. No, he's no longer with the company. He's no</p> <p>21 longer with the company.</p> <p>22 Q. (BY MR. HATCHER) Okay. Do you know what his</p> <p>23 position was when he was with the company?</p> <p>24 A. I don't know what his exact position was but he</p> <p>25 was involved in marketing activity.</p>

Mark Rice-30(B) (6)

February 24, 2010

Page 186	Page 188
<p>1 like it's already been done but check and confirm</p> <p>2 whether or not any of the data sheets that you did find</p> <p>3 had the '190 patent on it and if it did, then I want to</p> <p>4 know who had it.</p> <p>5 A. Uh-huh.</p> <p>6 MR. HATCHER: All right. So, with that, I</p> <p>7 think that's all I have for today and it's probably a</p> <p>8 good stopping point --</p> <p>9 MR. ANDREWS: Okay.</p> <p>10 MR. HATCHER: -- to go until tomorrow.</p> <p>11 THE VIDEOGRAPHER: The time is approximately</p> <p>12 5:36 p.m. We are going off the record.</p> <p>13 (Whereupon at 5:36 p.m. the</p> <p>14 deposition was adjourned.)</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 I, MARK RICE, have read the foregoing deposition</p> <p>2 and hereby affix my signature that same is true and</p> <p>3 correct, except as noted above.</p> <p>4</p> <p>5 MARK RICE</p> <p>6</p> <p>7 THE STATE OF _____</p> <p>8 COUNTY OF _____</p> <p>9 Before me, _____, on this day personally</p> <p>10 appeared MARK RICE, known to me (or proved to me under</p> <p>11 oath or through _____) (description of identity</p> <p>12 card or other document) to be the person whose name is</p> <p>13 subscribed to the foregoing instrument and acknowledged</p> <p>14 to me that they executed the same for the purposes and</p> <p>15 consideration therein expressed.</p> <p>16 Given under my hand and seal of office this _____ day</p> <p>17 of _____, _____.</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p>Page 187</p> <p>1 ERRATA SHEET</p> <p>2</p> <p>3 Correction Page Line</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>Page 189</p> <p>1 STATE OF TEXAS *</p> <p>2 COUNTY OF HARRIS *</p> <p>3 I, the undersigned certified shorthand reporter</p> <p>4 and notary public in and for the State of Texas, certify</p> <p>5 that the facts stated in the foregoing pages are true</p> <p>6 and correct.</p> <p>7 I further certify that I am neither attorney or</p> <p>8 counsel for, nor related to or employed by, any of the</p> <p>9 parties to the action in which this deposition is taken</p> <p>10 and, further, that I am not a relative or employee of</p> <p>11 any counsel employed by the parties hereto, or</p> <p>12 financially interested in the action.</p> <p>13</p> <p>14 SUBSCRIBED AND SWORN TO under my hand and seal of</p> <p>15 office on this the 8th day of March, 2010.</p> <p>16</p> <p>17 EDITH A. BOGGS, CSR</p> <p>18 Certified Shorthand Reporter and</p> <p>19 Notary Public in and for</p> <p>20 the State of Texas</p> <p>21 Notary Expires: 5-10-2012</p> <p>22 Certificate No. 3022</p> <p>23 Expiration date: 12-31-2011</p> <p>24 Esquire Deposition Solutions, LLC</p> <p>25 Registration No. 3</p>